

# Development Management Sub-Committee Report

Wednesday 26 April 2023

## Application for Approval of Matters Specified in Conds Site At Former 159, Fountainbridge, Edinburgh

**Proposal: Approval of matters specified in conditions 1 (a-m) and (i)-(v), 2, 3, 4, 5, 7, 8, 9, of PPP application ref: 19/03097/PPP, relating to plots W1-W4 including residential/commercial/retail units; detail of height, massing, ground floor levels, design of external features and materials including public realm, pedestrian and cycle access arrangements, treatment to adopted roads or footways, car parking venting, servicing, surface water and drainage, lighting, waste management and hard and soft landscaping details (as amended)**

### Item – Committee Decision

**Application Number – 22/04045/AMC**

**Ward – B09 - Fountainbridge/Craiglockhart**

### Reasons for Referral to Committee

In accordance with the Council Scheme of Delegation, the application has been referred for determination by the Development Management Sub-committee as the Council have an interest in the development.

### Recommendation

It is recommended that this application be **Approved** subject to the details below.

### Summary

The proposals shall not harm listed buildings or their settings. The proposals are in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposals are in accordance with the relevant policies of National Planning Framework 4 and the Edinburgh Local Development Plan and adequately address the matters specified in conditions 1, 2 and 7 of planning permission in principle 19/03097/PPP. The proposals are deemed to have satisfied condition 8 of planning permission in principle 19/03097/PPP but not condition 3, 4, 5, 6 and 9 which remain relative to the future development of the land.

The proposals will contribute towards the creation of sustainable places through the balanced reuse of a highly accessible brownfield site within the City Centre and by the incorporation of a range of measures to enhance biodiversity, promote active travel and preserve historic assets. They will contribute towards the creation of liveable places through the development of housing of varying tenure and by integrating appropriately scaled ancillary uses, inclusive amenity spaces and blue / green infrastructure. They will contribute towards the creation of productive places through increasing opportunities for local spending and employment and by the provision of formal and informal places for community interaction.

There are no material considerations which outweigh the proposals accordance with the Development Plan.

## **SECTION A – Application Background**

### **Site description**

Vacant land within the site of planning permission in principle 19/03097/PPP, an extant consent for a mixed use development comprising shops (Class 1), financial, professional and other services (Class 2), food and drink (Class 3), businesses (Class 4), hotels and hostels (Class 7), houses (Class 9), non-residential institutions (Class 10), assembly and leisure (Class 11) and public houses (*sui generis*). It was formerly the location of the Fountain Brewery and the North British Rubber Company. It is generally level except for an almost vertical 4m increase up to the Union Canal.

The site is located within the CC3 (Fountainbridge) Edinburgh Local Development Plan 2016 housing led mixed used allocation and the City Centre. It is bounded by the Union Canal to the southeast which is a Scheduled Monument (SM11097), Local Nature Conservation Site, Core Path and National Cycle Route 75. Leamington Lift Bridge and Bridge No. 1 (Viewforth) are included within the Scheduled Monument designation and the latter is also a Category B listed building (LB47615).

Viewforth, which is also a Core Path, and Boroughmuir High School sit to the southwest. The site excludes the former offices of the North British Rubber Company to the northeast which is a Category C listed building (LB44936). It is now occupied by the Edinburgh Printmakers, a "*creative hub for printmaking and the visual arts*". Land on the northern side of Fountainbridge is subject to ongoing developments of a similar nature. A new local centre is envisaged to Fountainbridge.

### **Description of the proposals**

The approval of the matters specified in conditions 1, 2 and 7 of planning permission in principle 19/03097/PPP has been sought in relation to the erection of 464 residential units (40% affordable / 60% market) with commercial / retail units at street and Union Canal levels. The proposals also seek to satisfy conditions 3, 4, 5, 8 and 9. The development is comprised of four Plots and is summarised as follows:

#### Plot W4

- 115 social rent units in a 6 to 7 storey permitter block and a 3 to 4 storey internal block:
- 79 1-bed flats at 53 sqm (69% of total).

- 19 2-bed flats at 69 sqm (16%); and
- 17 3-bed flats at 89 to 105 sqm (15%).
- 15 units specifically for wheelchair users (13 1-bed, one 2-bed and one 3-bed).
- 204 sqm of retail space within a single unit to Fountainbridge.
- 248 cycle parking spaces (2 per unit) within three internal stores:
- 112 double stacks (45% of total).
- 40 semi-vertical (16%).
- 80 Sheffield stands (32%); and
- 16 oversized Sheffield stands for non-standard bikes (7%).
- no car parking.

### Plot W3

- 71 mid-market rent units within a 6-storey perimeter block and two 3 to 4 storey internal blocks:
- 35 1-bed flats at 53 sqm (49% of total).
- 26 2-bed flats at 69 sqm (37%); and
- 10 3-bed flats at 89 to 105 sqm (14%).
- two units specifically for wheelchair users (both 1-bed);
- 105 sqm of retail space within a single unit to Fountainbridge;
- 152 cycle parking spaces (2 per unit):
- 128 double stacks (84% of total).
- 14 semi-vertical (9%); and
- 10 oversized Sheffield stands for non-standard bikes (7%).
- one accessible car parking space.

### Plots W1 and W2

- 278 private units within a 3 to 7 storey perimeter block and four 3 to 4 storey internal blocks:
- 27 studios at 42 sqm (10% of total).
- 101 1-bed flats at 50 sqm (36%);
- 80 2-bed flats at 75 to 77 sqm (29%); and
- 70 3-bed flats at 84 to 115 sqm (25%).
- No units specifically for wheelchair users.
- 1,886 sqm of retail space within three units with mezzanines to the Union Canal and Gilmore Park.
- 600 cycle parking spaces (2 per unit):
- 292 double stacks (49% of total).
- 176 semi-vertical (29%).
- 110 Sheffield stands (18%); and
- 22 oversized Sheffield stands for non-standard bikes (4%).
- 30 car parking spaces and 18 motorcycle spaces within the undercroft of Plot W2:
- three accessible spaces (10% of total); and
- five with electric vehicle charging points (17%).

Buildings are generally a mix of buff coloured bricks except for a rendered treatment for part of one of the internal Plot W1 blocks. Windows, balconies, railings and terracing are metallic and of a pale umber finish. The roof will see a variety of treatments including terraces, zinc and blue / green infrastructure out with any plant. Shared external amenity space is to be provided by internal courtyards and roof terraces for Plots W1 and W2. A community growing space is also proposed to the southeast of Plot W3. Private external amenity space is via gardens, balconies, colony landings and roof terraces. 36% of the units are dual aspect.

Energy demands shall be met in part by mechanical ventilation heat recovery air source heat pumps in each unit. Waste and recycling provision is within seven internal stores with collection points to streets. Surface water is to drain to the public sewer via blue / green roofs, filter trenches and rain gardens. The site will have two vehicular points of connection to Fountainbridge but priority will be given to pedestrians then cyclists throughout. 66 public cycle parking spaces (16 Sheffield stands and 17 oversized Sheffield stands) will be installed close to non-residential uses as shall three accessible car parking spaces and five car club spaces.

Whinstone is proposed for the Union Canal which shall be 'smooth' for a realigned 3m wide towpath that will act as an active travel route. 'Leamington Square', a new area of public realm to the northeast of Plot W1, will be the site of the reintroduced Fountain Brewery clock. A variety of lighting types is proposed throughout, including to the Union Canal.

19/03097/PPP was a further application to 14/02814/PPP under Regulation 11 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (as amended). It approved a masterplan and building heights by which any approval of matters applications should conform to. Three applications were made to 14/02814/PPP; 16/03321/AMC for all plots, 18/09769/AMC for Plot W3 and 19/02475/AMC for Plot W4. All have since expired, the latter two on the 31 March 2023, but are similar in general design, siting and height to what is now proposed.

The application was amended prior to this recommendation. Scheme 2 related to an independent review of the as submitted Surface Water Management Plan and the reconfiguration of the internal waste, recycling and cycle stores in order to comply with the 2022 CEC servicing standards.

## **Supporting information**

The following documentation was submitted in support:

- Daylight and Sunlight Assessment.
- Design Statement.
- Materials Key.
- National Planning Framework 4 Compliance Statement.
- Noise Impact Assessment.
- Quality Audit Summary Report.
- Remediation Method Statement.
- Site Investigation Report.
- Street Engineering Review.
- Surface Water Management Plan, including a revision.
- Sustainability Statement, with Sustainability Form S1.

- Transport Statement; and
- Undercroft car parking extract system.

These are available to view on the CEC Planning and Building Standards Portal. The applicants undertook public engagement prior to the submission of this application and the scope and conclusions are outlined in the Design Statement. Public engagement was not statutorily required and there is no obligation to provide a consultation report.

### **Relevant Site History**

14/03848/PPP  
Site At Former 159  
Fountainbridge  
Edinburgh

PPP Masterplan application for mixed use development comprising offices, hotel / apart-hotel, residential, commercial, and retail uses with associated service roads, landscape works and car parking (as amended).  
withdrawn  
12 September 2019

16/03321/AMC  
Site 60 Metres South Of 199  
Fountainbridge  
Edinburgh

AMC specified in conditions 1, 2 (a-m) and (i)-(v), 3, 9, 17, 18, \_ 20 relating to plots W1-W4 including residential/commercial/retail units; detail of height/massing/ground floor levels/design of external features and materials including public realm/pedestrian/cycle access arrangements, treatment to adopted roads or footways, car parking venting/servicing, surface water + drainage/lighting, waste management/hard + soft landscaping details.  
Approved  
9 December 2016

18/09769/AMC  
Site 60 Metres South Of 199  
Fountainbridge  
Edinburgh

Approval of matters specified in conditions 1, 2 (a-m) and (i)-(v), 3, 17, 18, and 20 relating to Plot W3 including residential/commercial units; detail of height, massing, ground floor levels, design of external features and materials including public realm, pedestrian and cycle access arrangements, treatment to adopted roads or footways, servicing, parking, surface water and drainage, street lighting, waste management, hard and soft landscaping details, and active frontage.  
Approved  
2 May 2019

19/02916/FUL  
Site 60 Metres South Of 199  
Fountainbridge  
Edinburgh

Formation of access road in part to facilitate wider redevelopment of adjoining land.  
Granted  
14 August 2019

19/02475/AMC  
Site 60 Metres South Of 199  
Fountainbridge  
Edinburgh

Approval of matters specified in conditions 1, 2 (a-m) and (i)-(v), 3, 17, 18, and 20 relating to Plot W4 including residential/commercial units; detail of height, massing, ground floor levels, design of external features/materials including public realm, pedestrian/cycle access arrangements, treatment to adopted roads/footways, servicing, parking, surface water/drainage, street lighting, waste management, hard/soft landscaping details, active frontage.  
Approved  
1 October 2019

19/00256/FUL  
Site At Former 159  
Fountainbridge  
Edinburgh

Mixed use development comprising residential (flats) and other commercial uses including Class 3 Food and Drink and Class 11 Assembly and Leisure with associated access roads, landscaping / public realm, and car parking (as amended).  
Granted  
3 March 2021

19/03097/PPP  
Site 60 Metres South Of 199  
Fountainbridge  
Edinburgh

Proposed mixed use development comprising retail (Class 1), financial services (class 2), food and drink (class 3), office/light industrial (class 4), hotel (class 7), housing (class 9), community use (class 10), leisure (class 11), public house (non-classified use) and associated parking, open space, infrastructure and public realm works.  
Granted  
1 September 2022

20/00795/FUL  
Site 60 Metres South Of 199  
Fountainbridge  
Edinburgh

Relocation and replacement of the existing primary substation at Fountainbridge. Proposals have been developed in collaboration with Scottish Power Energy Network and represent a coordinated proposal to meet the needs of the site in-line with the consented PPP Masterplan and the wider Fountainbridge area regeneration.

Granted

9 June 2021

21/01494/FUL

Site At Former 159

Fountainbridge

Edinburgh

Further application to vary the details of planning permission 19/00256/FUL to increase number of apartments.

Granted

22 December 2021

### **Other Relevant Site History**

#### **Pre-Application process**

Pre-application discussions took place on this application.

#### **Consultation Engagement**

Edinburgh Airport Safeguarding

CEC Archaeology Service

CEC Environmental Protection

CEC Transport Planning

CEC Flood Prevention

CEC Waste and Cleansing Services

Edinburgh Access Panel

Historic Environment Scotland

Merchiston Community Council

Tollcross Community Council

Scottish Environment Protection Agency

Scottish Water

Refer to Appendix 1 for a summary of the consultation response.

## Publicity and Public Engagement

**Date of Neighbour Notification:** 8 September 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** Not Applicable

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 3

## Section B - Assessment

### Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 and the Edinburgh Local Development Plan the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights.
- public representations; and
- any other identified material considerations.

### Assessment

To address these determining issues, it needs to be considered whether:

#### a) The proposals harm listed buildings or their settings

The Historic Environment Scotland Managing Change in the Historic Environment: Setting guidance is relevant in the determination of this application.

The proposals shall not harm the setting of the Category C listed former office of the North British Rubber Company due to the separation distances involved and the landscaping improvements proposed in the intervening space. The Category B listed Bridge No.1 (Viewforth) is effectively a functional structure and it is not considered that the proposals shall have a material impact on its setting. It appears that they may need to connect to part of it but the listing boundaries are unclear. Although the works do not raise any particular concerns given their very minor nature, the applicants may wish to seek formal confirmation of the need for listed building consent.

### **Conclusion in relation to the listed building**

The proposals shall not harm listed buildings or their settings. The proposals are in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

#### **b) The proposals comply with the Development Plan and address or satisfy the conditions of 19/03097/PPP**

The Development Plan comprises National Planning Framework 4 (NPF4) and the Edinburgh Local Development Plan (LDP). The relevant policies to be considered are:

- NPF4 Sustainable Places Policies 1, 2, 3, 4, 5, 6, 7, 9, 11, 12 and 13.
- NPF4 Liveable Places Policies 14, 15, 16, 19, 20, 21, 22 and 23.
- NPF4 Productive Places Policies 25, 27, 28 and 31.
- LDP Delivering the Strategy Policy 2.
- LDP Design Policies 1, 2, 3, 4, 5, 7, 8, 10 and 11.
- LDP Environment Policies 15, 21 and 22.
- LDP Housing Policies 2, 3, 4, 7 and 10.
- LDP Retail Policy 1.
- LDP Transport Policies 2, 3, 4 and 9; and
- LDP Resources and Services Policy 6.

The non-statutory Edinburgh Design Guidance, Listed Buildings and Conservation Areas Guidance, Guidance for Businesses, Affordable Housing Guidance, Art in Public Places Guidance and the Cycle Parking Factsheet are material in the consideration of the LDP policies. The site is also subject to the non-statutory Fountainbridge Development Brief and Fountainbridge Public Realm Strategy. However, these have a lower relevance due to the developmental history of the land to which they are relevant.

#### Condition 1 of 19/03097/PPP

Condition 1 requires the detail of development.

*Height, massing, siting, and ground floor levels within the 19/03097/PPP levels.*

Condition 1 of 19/03097/PPP requires that development proposals are "*within the approved planning permission in principle levels*". While the proposals do not accord with this, the extent and materiality of the deviations have been considered and they are deemed to be acceptable. In coming to this conclusion some weight has been given to the planning history of the site, specifically, 16/03321/AMC, 18/09769/AMC and 19/02475/AMC which were relative to the 'unrestricted' 14/02814/PPP. Although expired, all were similar to what is now proposed in respect of the degree of deviation.

Deviations in height are largely the result of a change in roof form or from 'bumpy' to flat. This has allowed the incorporation of blue / green roofs, amenity space and an increase in the number of market and affordable housing units for this highly accessible brownfield site. Despite the deviations, the height of the perimeter blocks remain within the prevailing height of development in the immediate and wider surroundings and the relatively minor increases will not result in adverse impacts for key views, general streetscape interest or neighbouring residential amenity. The internal blocks will be broadly concealed from the existing wider public realm and these changes are acceptable. Ground levels remain within the approved levels or sit lower and this raises no material concerns.

The siting of development also deviates from the masterplan but the overarching layout principles have been retained. The removal of the two drainage basins will be compensated by rain gardens which seek to recreate their visual and drainage qualities but in a less obstructive and space intensive manner. Alteration of the Union Canal would require the demonstration of a significant public benefit, as was the case for the Ratho marina, and this is likely to be challenging for a development of this nature. It also noted that this drainage channel would create another undesirable 'bottle neck' along the Union Canal by the bridge which would be required. The changes to the internal blocks are confined to the creation of larger openings between street and courtyard which will improve the desirability of these routes as well as increase light penetration. Massing departures raise no material concerns.

These changes have altered the levels of amenity for future residents. The proportion of dual aspect flats shall not meet the 50% target (36%) within CEC guidance. This was also the case for 16/03321/AMC (40%). The Daylight and Sunlight Assessment (DSA) demonstrates that 73% of all residential windows will meet the Vertical Sky Component (VSC) test. For those which do not, a further No Skyline assessment suggests that 14 habitable rooms (out of 1,220) will fail to meet the requirements of this test. However, the DSA caveats this by stating that these units have other rooms which meet the VSC test and generously proportioned windows and French doors have been adopted to maximise light levels to all units. The internal space of all units comply with CEC guidance except for the 101 1-bed flats within Plots W1 and W2 (50sqm compared to 52sqm). This is a minor infringement and one which will be imperceptible for these future residents who shall also have access to shared amenity spaces at ground and roof levels. It is considered that all future occupiers will benefit from acceptable levels of light and internal space.

The proportion of green space (rather than amenity space) for future residents is also below what would be expected for a development with this number of flats but the communal internal and external provision in general is deemed to suitably compensate for this minor infringement. Although the DSA has demonstrated that the shared external amenity spaces, including the community growing area, will technically meet the spring equinox test for natural light, a significant proportion of the courtyards will be overshadowed. However, the levels of light for these spaces are deemed to be reasonable when other competing developmental factors are given weight such as the principles of the approved masterplan and the need to be compatible with the scale and structure of the surroundings. Coupled with the accessibility of the site to public green spaces such as the Meadows, the quantity and quality of external amenity space for future residents is deemed acceptable for this brownfield City Centre site.

*Design and external appearance of all buildings, roof form, open space, public realm and other structures*

The building design will reflect the character and appearance of similarly contemporary developments elsewhere within the site of 19/03097/PPP as well as that of 15/02892/PPP which sits on the northern side of Fountainbridge. Some influence has been taken from more historic developments nearby, such as in a contemporary interpretation of tenemental articulation in the Union Canal frontages for Plots W1 and W2, but an overwhelmingly modern approach is supported in this City Centre location.

The primary building material is brick which is compatible with the prevailing appearance of recent modern developments nearby. Architectural interest shall be generated by the use of contrasting finishes, projecting and recessed balconies and upper floor level planting. Buildings to the interior are lower in height than the perimeter blocks and this more personable scale, combined with the housing types, landscaping and courtyards, promotes the creation of an intimate residential environment and one which seeks to contrast with the pace and activity of the proposals exterior routes. Ground floor frontages, through a generous proportion of glazing, arcading and non-residential uses, appropriately address the street or Union Canal and are suitably active and attractive.

The public realm proposals to the Union Canal seek to imitate its industrial heritage and have adopted similar materials. A modest introduction of planting will generate visual interest but also separate a new canal side area for rest and relaxation from a realigned towpath. There is support for the canal side works and Historic Environment Scotland raise no objection. They do have minor concerns with the delineation of the towpath away from the canal side as this could be taken as denoting the original route. However, some form of 'visual indicator' is likely to address this and discussions are to continue under condition 9 of 19/03097/PPP and an application for Scheduled Monument Consent.

The primary area of new public realm is to be 'Leamington Square' which is to feature a series of 'landscape islands' bounded by concrete seating walls. Its design and appearance is acceptable and appropriate for this urban context as are the areas of public realm to the internal of the site which are generally more in line with the residential character of their surroundings and reasonable sites for informal play. The lack of seating between Plots is noted but this is not deemed necessary as they feature private front gardens and are to act more as thoroughfares rather than places to rest and relax. The market to 'Leamington Square' is an indicative suggestion for the use of the land and does not form part of the proposals. The Design Statement has outlined consideration of a fountain as suggested by Informative 5. It is accepted that such a feature would not be suitable for this site.

The proposals, due to the separation distances between neighbouring development and their compatibility with the character and use of their surroundings, shall not have a materially detrimental effect on residential amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Within the site, the layout of buildings are dictated by the approved masterplan and blocks are sufficiently separated or feature blank walls at their closest points. It is likely that the upper flats will overlook the smaller blocks and external amenity spaces but not to a degree which would materially impact residential amenity nor preclude the enjoyment of the space. The range of flat sizes are appropriate and reflect the type of their surroundings; it is not accepted that 125 2-bed flats out of 464 will result in an imbalance in the wider community.

The Sustainability Statement confirms that the proposals shall comply with the technical requirements of Section 6 (Energy) of the Domestic Technical Handbook. Residential energy demands are to be met by individual mechanical ventilation heat recovery air source heat pumps. This forms part of a wider energy strategy which includes the adoption of passive design principles, low energy lighting and blue / green infrastructure. The Scottish Environment Protection Agency raise no objection on air quality grounds due to the limited car parking and as no combined heat and power is proposed.

#### *All operational aspects of open space and public realm including the canal basin*

The majority of open space and public realm are proposed to be adopted and maintained by CEC with the likely exception of the internal courtyards to Plots W1 and W2; these are anticipated to be managed by the operator of these blocks. The Union Canal will remain in the ownership of Scottish Canals who retain ultimate authority over any works to or on it, including the addition of pontoons.

#### *Existing and finished site and floor levels in relation to Ordnance Datum*

These matters have been considered under 'height, massing, siting and ground floor levels within the 19/03097/PPP levels'.

#### *Roads, footways, cycleways, servicing and layout of underground and surface parking and cycle parking provision in accordance with standards agreed within the PPP*

No specific standards for either car or cycle parking were set by 19/03097/PPP. 39 car parking spaces are proposed. Despite the Transport Statement stating six, seven accessible spaces will be provided as shall five with Electric Vehicle Charging Points (EVCPs) and 19 for motorcycles. The total, accessible proportion and number for motorcycles accord with CEC guidance but the EVCP level does not. There appears to be no barrier for a compliant level of EVCPs and a condition to this effect shall be attached.

The majority of car parking is located within the undercroft of Plots W1 and W2 aligning with a 'concealment from the public realm' approach for which there is support. Where surface level car parking is proposed, detrimental streetscape impacts will be suitably mitigated by planting or deemed necessary on equality grounds.

1,038 total cycle parking spaces are proposed, 1,000 for 464 units, 30 for 2,195sqm of Class 3 space (as it is stricter than Class 1) and eight for visitors; the residential and commercial levels accord with the EDG. The internal stores to Plots W3 and W4 and that to the Plot W1 courtyard meet the first preference test of the Cycle Parking Factsheet (CPF) (level, enclosed, within the building). The internal store within the Plot W2 undercroft does not technically accord with this first preference test due to the ramped entrance and less than direct route from the Union Canal. However, it is secure and within the building and considered acceptable given the wider benefits of an active frontage to the Union Canal which is an area where this is strong support for increasing commercial activity. Some weight has also been given to the change in site levels. All cycle parking locations are appropriately located for the uses to which they are to serve and those internally are within reasonable distances of lifts.

The breakdown of cycle parking type development wide, including visitor provision, is 51% double stack, 22% semi-vertical, 21% Sheffield and 6% Sheffield oversized. The CPF seeks a minimum of 20% non-standard cycle parking and the Plot W3 store will provide 84% double stack. However, for the latter, the CPF appears to consider the *"maximum of 80% of all cycle parking spaces can be one type"* limitation on a development-wide basis rather than just to individual stores. These elements of the proposals do not accord with the CPF but they are deemed to be an acceptable infringement in this case. These City Centre proposals, which are guided by an approved masterplan and influenced by competing developmental factors, are highly accessible to local services. It is evident that the space required to meet the highlighted CPF requirements would have a knock on effect for the creation of active frontages (already impacted as outlined by condition 7 of 19/03097/PPP) and possibly, on the total number of units. It is noted that the visitor cycle parking is not covered. Although this is unlikely to be acceptable to the Union Canal for heritage reasons, covering of other locations could be feasible as could the provision of electric charging points; an informative is deemed appropriate in this case. Servicing arrangements are acceptable in planning terms and will be subject to separate consenting mechanisms.

Vehicles will be able to access the site from two points of connection to Fountainbridge but streets will give priority to pedestrians then cyclists through the adoption of a shared use environment and by contrasting surfacing finishes. Notwithstanding the shared street approach, delineation of 'pavements' shall also be implemented where the potential for conflict is greatest (centre of the site leading to the Plot W1 parking undercroft). Future residents, as is the case of most new residential developments, will not be eligible for controlled parking zone permits and it is not accepted that 39 car parking spaces shall have any material impact on road traffic levels. It is understood that the accessible car parking to the north of Plot W1 will be available to visitors. CEC Transport Planning made no response.

#### *Amendments of any treatment to adopted roads and footways.*

The proposals will necessitate the amendment of the adopted Viewforth, including Bridge No 1, Gilmore Park and Fountainbridge. The works to them are acceptable in planning terms and shall be subject to detailed consideration under a Road Construction Consent. The immediate canal side is not adopted and will remain in the ownership of Scottish Canals.

#### *Location and details of car parking venting / exhaust termination and electric vehicle charging outlets and ducting*

Location and details of electric vehicle charging outlets are considered under 'roads, footways, cycleways etc'. The undercroft car parking shall be mechanically ventilated by a series of impulse / jet fans which will duct air to an extract point on the south elevation. CEC Environmental Protection raise no objection to this element of the proposals and note that the system constitutes a fairly standard solution for undercroft car parks. The location and details of car parking venting / exhaust termination and ducting is appropriate in planning terms but will also be subject to further consideration by CEC Building Standards.

#### *Signing of pedestrian and cycle access routes to/from and through the development*

Three signposts will be installed at the junctions between Fountainbridge and Gilmore Park, Gilmore Park and the shared access route into the site and at the northernmost extent of the avenue between Plots W1 and W2. Signs have blue backgrounds with walk times in white lettering and direct to nearby locations and landmarks. All signposts will be sited to the rear of footways and have signs mounted at a height of no less than 2.3m. The locations and design of signage are appropriate in planning terms but will be subject to further approval under a Road Construction Consent.

#### *Surface water management and drainage arrangements, SUDS proposals and SUDS maintenance plan*

Surface water will be attenuated through a network of SUDS features including blue / green roofs, raingardens and bioretention areas prior to discharging to the existing wastewater network. The proposals have been designed to accommodate the 1 in 200 year rainfall event plus a 40% climate change allowance, in accordance with the minimum requirements of CEC guidance. SUDS features relating to the Plots are to remain private and proposed to be factored. Pipes within the site and SUDS provision relating to roads, paths and pedestrian areas will be offered to Scottish Water and CEC for adoption, the latter as part of a Road Construction Consent.

CEC Flood Prevention and Scottish Water raise no objection. The surface water drainage arrangements are acceptable and the proposals shall not increase a flood risk or be at risk of flooding itself. Although the Surface Water Management Plan (SWMP) notes an area of surface water flooding within the site, which is suggested is due to a localised 'low point', this is to be mitigated by the SuDS measures proposed and by ensuring that no floor levels are below 66.650m (lowest is 67.400m for Plot W3). Other recommendations within the SWMP relate to separate to planning consenting mechanisms. The applicants have clarified that the referred to 'specialist flood report' within the Site Investigation Report is the submitted SWMP.

*All operational aspects of the commercial and business uses including details of servicing arrangements, opening hours, all external plant, machinery and / or ventilation, hours of deliveries and collections*

A private operator shall collect refuse, mixed recycling, glass and food waste for the proposals retail / commercial elements. Bins will be stored internally and collected at prearranged times. The collection points have not been set but it is anticipated that these will be similar to the delivery and serving arrangements which would be via a loading bay to the Fountainbridge fronting units and the Plot W1 undercroft for those to Union Canal. No vehicular deliveries are to be made along the Union Canal.

The occupiers, including their plant and ventilation requirements, are not known at this stage which is a fairly typical scenario. The retail / commercial units will be provided as 'shells' and it has been suggested that they should have flexibility across Class 1, Class 2, Class 3, Class 4 and Class 10 uses. 19/03097/PPP, the boundary of which extends beyond the site, also gave in principle support for Class 7, Class 11 and public house but none are proposed under this application.

CEC Environmental Protection note that they are unable to fully consider the impacts of these uses on residential amenity without a specific Use Class being known. Condition 5 and 6, as considered below, will remain relative to the development of the land. The former relates to a scheme for protecting residential amenity from commercial and road noise and the latter requires details of ventilation ducts. However, in line with the applicants suggestions and what is proposed in drawings, a condition shall be attached which specifies the Use Classes of the retail / commercial spaces.

The operating hours and location and duration of external seating as suggested by the applicants raise no material amenity concerns, subject to the satisfaction of condition 5 and 6, and will be subject to separate to planning consenting mechanisms.

*Waste management and recycling facilities*

CEC Waste and Cleansing Services shall collect refuse, mixed recycling, glass, and food waste for the proposal's residential element. Bins within the ground floor internal storage areas for Plot W3 and W4 and will be directly accessed whilst those for Plots W1 and W2 will be moved to one of four collection points by the operator. A waste strategy has yet to be agreed but it is considered acceptable for outstanding technical matters to be addressed out with the scope of this application.

*External lighting, including floodlighting and street lighting arrangements for the development*

Streetlights to Fountainbridge and Viewforth will be typical 'hockey stick' columns which match with what is evident across roads nearby. Shared accesses throughout the site are lined by L-shaped lantern columns except for a single replacement wall mounted unit to the west elevation of 205 to 209 Fountainbridge. Circular lantern columns shall illuminate pedestrian routes within the site, the Union Canal, Leamington Square and supplement streetlighting to Fountainbridge. All are LED, positioned to avoid light pollution and will combine to promote a safe, welcoming environment during hours of darkness. The lighting strategy is appropriate in planning terms but will also be subject to further approval under a Road Construction Consent.

#### *Site investigation / decontamination arrangements*

Information to address these matters has been provided but are considered under Condition 4 of 19/03097/PPP.

#### *Landscaping*

The site is vacant in anticipation of development and it has limited amenity or biodiversity value. The Union Canal is a Local Nature Conservation Site but the proposals are unlikely to have an adverse effect on its integrity due to the relatively limited extent of works specifically to it and lack of suitable habitats for the species which are noted in its city-wide designation. Soil disturbance and waste generation from land preparation is expected to be minimal.

The Design Statement provides a Landscape Maintenance Schedule and details of establishment and management. The hard and soft landscaping proposals are considered appropriate for this City Centre location and they will combine to create a distinctive, pleasant and liveable environment and one which is more biodiverse. Materials have been selected to harmonise with the character of the Union Canal and that of bounding developments and the generous use of trees of varying species will help to integrate the scale of buildings and create streetscape interest. A condition shall be attached to ensure the timeous implementation of landscaping.

#### Condition 2 of 19/03097/PPP

Condition 2 requires a phasing plan that identifies the car parking, individual blocks with associated landscaping and public realm.

Plots W1 and W2 are proposed to be commenced first followed by Plot W3 then Plot W4. The public realm works will follow thereafter as is typically the case for the majority of similar in nature construction projects particularly for those on constrained sites. This phasing of construction is acceptable.

CEC Environmental Protection suggest that the development of the Plots should begin with those closest to Boroughmuir High School (BHS) in order to achieve some form of acoustic barrier for this receptor. However, it is not reasonable for the CEC as Planning Authority to dictate or oversee the process of construction and their wishes do not appear practical. It also noted that BHS, in reference to planning permission 13/05207/AMC, required its Viewforth elevation to be mechanically ventilated and have unopenable windows; this should further assist the mitigation of noise from construction.

CEC Environmental Protection also suggest a Construction Environment Management Plan to control noise, dust and hours of development. Again, it is not reasonable for CEC as Planning Authority to dictate or oversee these matters as they are adequately controlled by separate to planning consenting mechanisms and legislation.

#### Condition 3 of 19/03097/PPP

Condition 3 requires construction details, specification, including trade names where appropriate, of all proposed external materials prior to the commencement of work. Sample panels are also necessary during construction for an agreed set period.

The details of all proposed external materials are outlined by the Design Statement and on the drawings and are acceptable in principle. However, due to the need to agree a set period for sample panels as well as ensure that the materials are appropriate for this context, particularly to the Union Canal, it is deemed reasonable to have these matters finalised out with the scope of this application.

CEC Environmental Protection repeat their suggestion of a CEMP to control noise, dust and hours of development which have been addressed under Condition 2 of 19/03097/PPP. The "*construction details*" referred to by this condition relate to cosmetic matters (e.g. what the building(s) will look like and compatibility with its surroundings) and not the physical activity of construction which is out with the control of CEC as Planning Authority.

#### Condition 4 of 19/03097/PPP

Condition 4 requires surveys and details of mitigation relating to land contamination prior to the commencement of construction works.

A Site Investigation Report and Remediation Method Statement are under consideration by CEC Environmental Protection, and it is considered appropriate to have these technical matters finalised out with the scope of this application.

#### Condition 5 of 19/03097/PPP

Condition 5 requires a scheme for protecting residential uses from road and commercial noise (existing and proposed) then its implementation prior to occupation.

A Noise Impact Assessment was submitted in support. Although CEC Environmental Protection have advised that the meeting of their required standards is likely to be technically feasible, the NIA does not outline a strategy for how to achieve this and they require more detailed information. It is reasonable to have these technical matters finalised out with the scope of this application.

#### Condition 6 of 19/03097/PPP

The satisfaction of condition 6, which requires detailed plans of commercial ventilation ducts prior to occupation, is not proposed under this application.

### Condition 7 of 19/03097/PPP

Condition 7 requires a minimum 70% active commercial frontage onto Fountainbridge. Uses which would achieve this are those within Class 1, Class 2 and Class 3. The Fountainbridge frontage of Plots W3 and W4 measure 91.8m but only 49.4m (54% of total) is proposed to be 'commercial'. 37.3m (41%) is cycle stores and 5.1m (5%) is a Plot W3 lobby; the proposals do not accord with the requirements of this condition.

It was envisaged that proposals would contribute towards the creation of a new local centre to Fountainbridge. No boundary has been set for this local centre but the Fountainbridge Public Realm Strategy (FPRS) suggests that it would extend to Fountain Park and Boroughmuir High School to the west and 195 to 203 Fountainbridge and the entrance to the Hampton by Hilton (effectively) to the east. The ground floors of the northern side of the envisaged Fountainbridge local centre are occupied or will be occupied, from west to east, by:

- 'Papa Johns' and amenity space for 'IQ Student Accommodation' at 114 Dundee Street;
- 1,200sqm of as yet unspecified Class 1 to Class 4 uses within the consented 19/02993/AMC (100% active commercial frontage for this development);
- 'Sofia's Lebanese Street Food' and the Hampton by Hilton at 166 Fountainbridge.

The ground floors of the southern side of the envisaged Fountainbridge local centre is occupied or will be occupied, from west to east, by:

- Boroughmuir High School at 111 Viewforth.
- The retail unit and cycle stores within Plots W3 and W4.
- The Edinburgh Printmakers, which features a *"studio, two galleries, a shop selling original prints and handmade products, venue hire space for meetings, events or learning activities, a café, a courtyard, and community garden"*, at 1 Dundee Street;
- 'Main Street Beanery' at 209 Fountainbridge; and
- Residential flats at 195 to 207 Fountainbridge.

The wider Fountainbridge area has been the subject of significant change since the requirement for a minimum 70% active commercial was first attached by condition to 14/02814/PPP. It is not considered that the proposals failure to meet the 70% requirement will be an impediment to the creation of a local centre to Fountainbridge considering the range and extent of uses which exist or have been approved within the suggested boundaries of the FPRS. It is also noted that Fountain Park and the local centres of Tollcross, Morningside and Dalry are readily accessible from the site and that the cycle stores, which are similar in elevational appearance to the retail / commercial spaces, will still provide some form of 'activity'. This is particularly the case when the need to accord with the approved masterplan is given weight and if compared to the possible impact of essential plant, waste and recycling spaces which are more appropriately located to the rear of Plots W3 and W4.

### Condition 8 of 19/03097/PPP

Condition 8 requires the submission of a Bird Hazard Management Plan (BHMP) prior to the commencement of development.

The condition requiring a BHMP was originally attached to 14/02814/PPP. This was due to a request by Edinburgh Airport Safeguarding who deemed it *"necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport"*.

No BHMP was submitted in support of 16/03321/AMC, 18/09769/AMC and 19/02475/AMC. The applicants contend that the CEC as Planning Authority agreed that one was not required but no written record of this appears to exist, Edinburgh Airport Safeguarding, through discussion and a further consultation, have confirmed that a BHMP is no longer considered to be necessary. This is due to the distance of the site from the airport and what was deemed to be a relatively rigid approach in considering the need of a BHMP under 14/02814/PPP.

#### Condition 9 of 19/03097/PPP

Condition 9 requires the submission of a programme of archaeological work prior to the commencement of development.

The Design Statement alludes to the development of a programme of archaeological work but no formal plan has been provided. In their response, CEC Archaeology Service *"welcome the new location for the Fountainbridge clock at the centre and focal point of the new Leamington Public Square"* but they consider that the proposals are insufficiently detailed in respect of condition 9. They also note that fieldwork is still required to the Union Canal and within the site. It is understood that the 'Old Man' and 'Cavalier' figures which were attached to the Fountain Brewery clock are missing but searches are ongoing as part of the consideration of this condition.

An informative clarifying that the obligations of condition 9 remain relative to the development of the land shall be attached.

#### **Conclusion in relation to the Development Plan and the conditions of 19/03097/PPP**

Significant weight has been given to the global climate and nature crisis and the balance is tipped in favour of the proposals. The development has minimised its lifecycle greenhouse gas emissions and is adaptable to climate change. The proposals will enhance biodiversity and not have an unacceptable impact on the natural environment. Soil disturbance is minimal and there will be a material increase in tree cover. Historic assets shall be preserved or enhanced and low carbon technologies have been incorporated. Waste and recycling arrangements are acceptable. The proposals will contribute towards the creation of sustainable places and accord with the intent and outcomes of NPF4 Policy 1, 2, 3, 4, 5, 6, 7, 9, 11, 12 and 13 and LDP Policy Env 15, Env 21, Des 10, Tra 2, Tra 3, Tra 4 and Tra 9.

The proposals will improve the quality of the area and are consistent with the six qualities of successful places. They shall contribute to local living and address identified gaps in housing provision. Sustainable temperature control has been incorporated as has blue / green infrastructure with acceptable management arrangements. A proportionate level of inclusive amenity and public space has been provided and the proposals will not increase a flood risk. A community food growing space and active travel provision supports positive health and the proposals shall not have an adverse effect on air quality. The proposals will contribute towards the creation of liveable places and accord with the intent and desired outcomes of NPF4 Policy 14, 15, 16, 19, 20, 21, 22 and 23 and LDP Policy Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8, Des 11, Hou 2, Hou 3, Hou 4, Hou 7, Hou 10, Env 22 and RS 6.

The proposals will contribute to community wealth by increasing opportunities for spending within the local area and creating employment. They will enhance the vitality and viability of the City Centre and support the creation of a local centre to Fountainbridge. Public art has been incorporated. The proposals will contribute towards the creation of productive places and accord with the intent and desired outcomes of NPF4 Policy 25, 27, 28 and 31 and LDP Policy Del 2 and Ret 1.

The proposals are considered to have adequately addressed the matters specified in conditions 1, 2 and 7 of planning permission principle 19/03097/PPP. The proposals are deemed to have satisfied condition 8 of planning permission in principle 19/03097/PPP but not condition 3, 4, 5, 6 and 9 which remain relative to the future development of the land.

**c) There are any material considerations which must be addressed**

The following material considerations have been identified:

Emerging policy context

On the 30 November 2022, CEC Planning Committee approved the Schedule 4 summaries and responses to representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

No physical barriers to use or occupation were identified in respect of gender reassignment, race, religion or belief, sex, or sexual orientation. With regard to pregnancy and maternity, 97 units (21% of total) will be suitable for growing families which exceeds the 20% of total minimum of the CEC guidance. It has also been deemed reasonable to assume that single child parents or families may view some of the 125 2-bed units (27% of total) as being suitable for their particular circumstances.

13 1-bed flats, one 2-bed and one 1-bed within Plot W4 and two 1-bed units within Plot W3 are specifically for persons who use a wheeled mobility device (wheelchairs, mobility scooters etc). This represents 4% of total but is in addition to 400 units (86% of total) with step free access to street. In the absence of specific targets in CEC guidance, the 18 units specifically for persons using wheeled mobility devices is considered acceptable as are the proportion of flats with reasonable step free accessibility. Step only mezzanines within the some of the commercial units are noted but also that this shall not explicitly prevent the use of the premises.

It would appear feasible for all persons to access communal amenity spaces and those at ground level are to feature a range of seating types including some with back and armrest support. Any slopes will have a gradient of at least 1:21 and steps to 'Leamington Square' and Viewforth have landings and handrails. Secure space for mobility scooters out with the flat will be set aside for relevant units and stores have made reasonable provision for non-standard bikes. Seven accessible car parking spaces are deemed appropriate considering the accessibility of the site.

Many of the matters raised by the Edinburgh Access Panel are suitably addressed under separate to planning consenting mechanisms or processes (inclusion of handrails, signage design etc). Despite what is stated within the Design Statement, they do not give full support to the development but nor did they raise an objection and have noted step only accesses between Plots W1 and W2 and to Viewforth from the Union Canal. This is also the case for the approved masterplan as well as 16/03321/AMC.

Although it is unfortunate that equitable accesses have not been provided in these areas, it is accepted that the introduction of compliant connections would be challenging and possibly necessitate complex and invasive works, notwithstanding further deviations from the approved masterplan and potential impact on a Scheduled Monument. Existing and proposed routes for persons with mobility difficulties will be provided and these are deemed to constitute reasonable alternatives when all developmental constraints are considered. Steps proposed elsewhere will have a minor impact.

It is not considered that persons residing or working nearby will be specifically affected by the development when it is completed. Although construction will generate noise, and possibly impede movement, these are temporary effects which are out with the control of the CEC as Planning Authority.

Due regard has been given to the public sector equality duty under Section 149 of the Equalities Act 2010 and human rights. No material adverse effects have been identified.

### Public representations

Three timeous representations were received; one objecting and two maintaining a neutral position. Members of the Edinburgh Access Panel also made comments as local residents within their consultation response and these matters have been considered as a late representation. Merchiston Community Council (MCC) object as a non-statutory consultee. Tollcross Community Council provided comments through the Fountainbridge Canalside Community Trust.

### *Material considerations in objection*

MCC give support to certain elements such as trees, green roofs, the palette of materials, the number of 2 and 3-bed units, the provision of affordable housing, the 'central green avenue' between Plot W1 and W2 and the colony style architecture. The FCCT in their objection also give support to similar elements. Material considerations raised in representations and by the MCC are summarised and addressed under the relevant sections of condition 1 of 19/03097/PPP unless stated otherwise.

- Level of light to internal and external spaces
- Design and scale of the development and not reflecting its surroundings.
- Level of external amenity space for future residents
- Imbalance in the wider community due to the number of 2-bed flats
- Adequacy of pedestrian and cycle segregation
- Overlooking of colonies by the blocks of flats
- Impacts on existing pedestrian and traffic levels from more residents.
- Lack of a basin off the Union Canal
- Location of the community space
- Design and use of 'Leamington Square' for public events
- Future residents using surrounding streets to park cars.
- Management and future maintenance of the public open spaces
- Thermal performance of flats
- Lack of a fountain as suggested by Informative 5 of 19/03097/PPP.
- Missing figures to the Fountainbridge clock; this is considered under condition 9.

### *Non-material planning considerations in objection*

- Impact on school capacity and local services
- 'Quality' of the pre-application community consultation
- 'Hollowing out' of the city by short term commercial and student accommodation
- Affordability of the mid-market rent
- The build to rent model.
- Misuse of accessible car parking spaces and coaches parking on Viewforth
- The giving of preference to potential occupants of internal and external spaces
- Potential for commercial units to remain vacant

### *Material considerations maintaining a neutral position.*

- Pontoon would cause an obstruction on the Union Canal.
- Flood risk and historic instances of flooding.
- Reference to a specialist flood report within the Site Investigation Report.
- Phasing of construction in respect of public realm works being completed first.

### *Non-material considerations maintaining a neutral position.*

- Discrepancy in lease or ownership boundaries
- Means of construction and access to property

### *Material considerations from the late representation*

- Level of light to internal and external spaces.
- Adequacy of pedestrian and cycle segregation.
- Overshadowing of nearby tenements
- Future residents using surrounding streets to park cars
- Range of seating within 'Leamington Square'
- Lack of seating between Plot W1 and W2
- Management and future maintenance of the public open spaces
- Lack of accessible visitor car parking for visitors; this is considered under equalities and human rights.
- Lack of details relating to accessible accommodation; this is considered under equalities and human rights.
- Steps without non-step provision; this is considered under equalities and human rights.

### *Non-material considerations from the late representation*

- Segregation of pedestrians and cyclists under Bridge No.1
- Lack of handrails where steps are present.
- Lack of reference to the Union Canal being part of the John Muir Way
- Impact on school capacity and local services.

### **Conclusion in relation to identified material considerations.**

None of the identified material considerations outweigh the proposals accordance with the Development Plan

#### **d) Overall conclusion**

The proposals shall not harm listed buildings or their settings. The proposals are in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposals are in accordance with the relevant policies of National Planning Framework 4 and the Edinburgh Local Development Plan and adequately address the matters specified in conditions 1, 2 and 7 of planning permission in principle 19/03097/PPP. The proposals are deemed to have satisfied condition 8 of planning permission in principle 19/03097/PPP but not condition 3, 4, 5, 6 and 9 which remain relative to the future development of the land.

The proposals will contribute towards the creation of sustainable places through the balanced reuse of a highly accessible brownfield site within the City Centre and by the incorporation of a range of measures to enhance biodiversity, promote active travel and preserve historic assets. They will contribute towards the creation of liveable places through the development of housing of varying tenure and by integrating appropriately scaled ancillary uses, inclusive amenity spaces and blue / green infrastructure. They will contribute towards the creation of productive places through increasing opportunities for local spending and employment and by the provision of formal and informal places for community interaction.

There are no material considerations which outweigh the proposals accordance with the Development Plan.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following.

### **Conditions**

1. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
2. No development shall commence until full locational and specification details of a minimum of seven car parking spaces with electric vehicle charging points have been submitted to and approved in writing by The Council as Planning Authority.
3. The Use Classes for the retail / commercial spaces approved by this application are Class 1A, Class 3 (food and drink), Class 4 (business) and Class 10 (non-residential institutions) as defined by Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).

### **Reasons**

1. In order to ensure that the approved landscaping works are properly established on site.
2. In order to ensure that electric vehicle charging infrastructure is suitable.
3. In order to define the permission and in recognition that 'commercial' is not a Use Class.

### **Informatives**

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to The Council as Planning Authority stating the intended date on which the development is to commence. This will not occur until written acceptance has been received by The Council as Planning Authority in respect of any conditions which have not satisfied by this application.

Failure to submit a 'Notice of Initiation of Development' constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

3. A Memorandum of Agreement has been concluded in respect of the land to which this application relates which is available to view on The Councils Planning and Building Standards Portal (reference: 19/03097/PPP).
4. For the avoidance of doubt, conditions 3, 4, 5, 6 and 9 of planning permission in principle 19/03097/PPP have not been satisfied and remain relative to the development of the land.
5. For the avoidance of doubt, condition 8 of planning permission in principle 19/03097/PPP has been satisfied as it relates to the development of this land.
6. The applicants shall explore the covering of externally located cycle parking except for spaces to the Union Canal and the installation of electric charging points.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

### **Further Information - Local Development Plan**

**Date Registered: 7 September 2022**

### **Drawing Numbers/Scheme**

01, 02A, 03-05, 06B, 07A, 08A, 09-71

Scheme 2

**David Givan**  
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**PLACE**  
**The City of Edinburgh Council**

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## Appendix 1

### Summary of Consultation Responses

NAME: Edinburgh Airport Safeguarding  
COMMENT: Recommends the discharging of condition 8  
DATE: 20 September 2022

NAME: CEC Archaeology Service  
COMMENT: Do not recommend the discharging of condition 9  
DATE: 26 October 2022

NAME: CEC Environmental Protection  
COMMENT: Do not recommend the discharging of conditions 1, 2, 3, 4 and 5  
DATE: 16 November 2022

NAME: CEC Transport Planning  
COMMENT: No response  
DATE:

NAME: CEC Flood Prevention  
COMMENT: No objection  
DATE: 1 December 2022

NAME: CEC Waste and Cleansing Services  
COMMENT: No waste strategy agreed at this planning application stage  
DATE: 5 January 2023

NAME: Edinburgh Access Panel  
COMMENT: No objection or support  
The proposals were presented to the Edinburgh Access Panel prior to submission. They wish to have known that the statement, "the proposals have been reviewed by the Edinburgh Access Panel which did not raise any significant concerns regarding equal access", which gives the impression that they are in full agreement with the proposals, is inaccurate. Although they do not object, they have made comments in respect of equal access that have been addressed under equalities and human rights.  
DATE: 13 October 2023

NAME: Historic Environment Scotland  
COMMENT: No objection  
They have minor concerns with the delineation of the towpath away from the canal side but note that Scheduled Monument Consent is likely to be required and that discussions are ongoing.  
DATE: 21 September 2022

NAME: Merchiston Community Council  
COMMENT: Object on a non-statutory consultee basis  
DATE: 1 November 2022

NAME: Tollcross Community Council  
COMMENT: No response

Provided comments through a representation in objection from the Fountainbridge Canalside Community Trust.

DATE: 29 September 2022

NAME: Scottish Environment Protection Agency

COMMENT: No objection

DATE: 7 November 2022

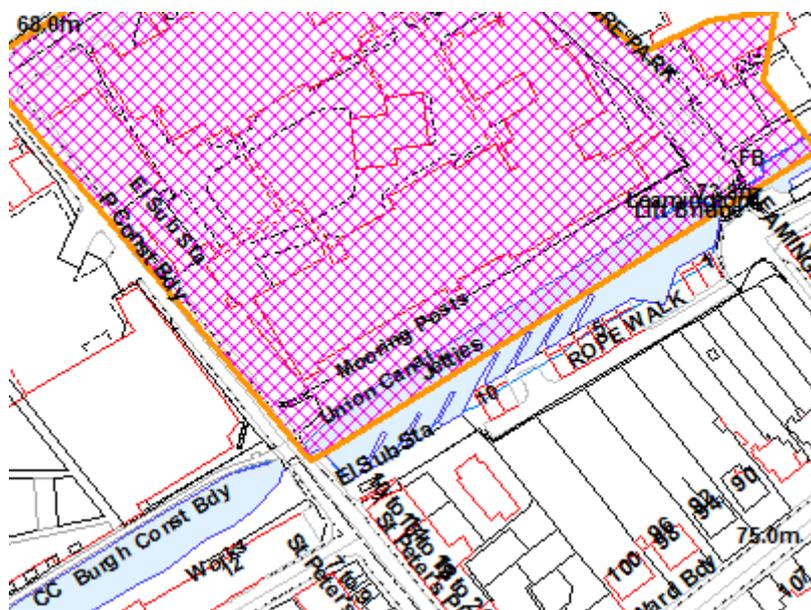
NAME: Scottish Water

COMMENT: No objection

DATE: 13 September 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

## Location Plan



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